P.R. No. 1172/06
Presented by Shri K.A. Goravadhan
dated 21.2.06

(1)

003

SINGLE BENCH

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

W.P. NO. 1100 /2006

PETITIONER : Kalawati Minz, Aged about 52 years, D/o. Boderam Uaraon, Occupation Agriculture, R/o. Village- Ajirama, Post Jainagar, Tah. Surajpur, District -Surguja (CG)

VERSUS

RESPONDENTS :
1] State of Chhattisgarh, Through: Collector, Surguja (CG)
2] Board of Revenue, Through: its Members, Chhattisgarh, Bilaspur (CG)
3] Collector, Surguja, District -Surguja (CG)
4] S.D.O. Surajpur, District -Surguja (CG)
5] Kheena Giri, S/o. Jaikaran Gosai, Aged about 65 years, R/o. Ajirama, Post Jainagar, Tah. - Surajpur, District Surguja (CG)

RECEIVED-COPY
D. Rajak 21/3/06
CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

C-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

033

मामला क्रमांक WP 1100/06 सन् 200

विरुद्ध

देश का क आदेश क सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

06.03.2006

Shri Manoj Paranjpe, learned counsel for the petitioner.

Shri Yashwant Singh, Govt. Advocate for the State.

Heard on admission.

This is a petition filed under Article 226/227 of the Constitution of India challenging the validity of order dated 29/11/2005 passed by the Collector and also the order dated 31/01/2006 passed by the Board of Revenue.

It appears that in a *suo motu* Revision initiated by the Collector under Section 50 of the C.G. Land Revenue Code, 1959, an objection was raised by the petitioner that since the Revision has been initiated on the application of the opposite party with an application filed under Section 5 of the Limitation Act, therefore, it cannot be categorized as a *suo motu* revision and firstly, the application filed for condonation of delay should have been disposed of. However, the Collector vide the impugned order dated 29/11/2005 overlooked these objections and ultimately, fixed the matter for final hearing.

Learned counsel for the petitioner submits that this action of the Collector amounts to bypassing the provisions of Section 5 of the Limitation Act as also Section 50 of the C.G. Land Revenue Code along with the powers to hear *suo motu* revision, as there are also powers to hear a Revision filed at the instance of the party. His further submission is that if the Revision is filed at the instance of the party, the question of limitation etc.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

034

मामला क्रमांक WP 1100/06 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

would come in the way and a direct order on merits would not be possible.

The order passed by the Collector was challenged before the Board of Revenue and the Board of Revenue also took the similar view and confirmed the order passed by the Collector. The submission of learned counsel for the petitioner is almost the same, which he raised before the Collector and this Court quoted just herein above.

In light of the aforesaid submissions, I do not find any substance in entertaining the petition at this intermediate stage because the Revision filed before the Collector is not at all decided so far.

In the facts and circumstances of this case, this petition is disposed of summarily with a direction that the Revision filed before the Collector shall be heard at the earliest and the grievance raised by the petitioner, before this Court shall also be considered while hearing the Revision by the Collector.

With the above observations this petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

[पीछे देखिये